

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	No. 19 CR 307
v.	)	
	)	Judge Manish S. Shah
BRIAN WEINSTEIN	)	

**PRELIMINARY ORDER OF FORFEITURE**

This cause comes before the Court on motion of the United States Attorney for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 982(a)(7) and Fed. R. Crim. P. 32.2, and the Court being fully informed hereby finds as follows:

(a) On April 4, 2019, an indictment was returned charging BRIAN WEINSTEIN with health care fraud, in violation of Title 18, United States Code, Section 1347 (Counts 1-16) and aggravated identity theft, in violation of Title 18, United States Code, Section 1028A(a)(1) (Counts 17-19). The indictment sought forfeiture to the United States of any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in certain counts, including the health care fraud charges in Counts 1-16.

(b) On March 21, 2023, pursuant to Fed. R. Crim. P. 11, defendant BRIAN WEINSTEIN entered a voluntary plea of guilty to Count One of the indictment, thereby making certain property subject to forfeiture pursuant to Title 18, United States Code, Section 982(a)(7).

(c) Pursuant to the terms of his plea agreement and as a result of his violation of Title 18, United States Code, Section 1347, defendant BRIAN WEINSTEIN agreed that funds in the amount of \$757,318.88 are subject to forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(7) as property constituting or derived from proceeds obtained, directly or indirectly, as a result of the health care fraud violation of conviction.

(d) Pursuant to Fed. R. Crim. P. 32.2(b)(2)(B), unless doing so is impractical, the court must enter the preliminary order of forfeiture sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant at sentencing.

(e) In accordance with this provision, the United States requested that this Court enter a personal money judgment in the amount of \$757,318.88 against defendant BRIAN WEINSTEIN, and further enter a preliminary order of forfeiture pursuant to the provisions of Title 18, United States Code, Section 982(a)(7), forfeiting all right, title, and interest defendant BRIAN WEINSTEIN has in the funds in the amount of \$757,318.88 subject to forfeiture.

(f) Pursuant to Title 18, United States Code, Section 982(a)(7) and Fed. R. Crim. P. 32.2, the United States requested that the terms and conditions of this preliminary order of forfeiture be made part of the sentence imposed against defendant BRIAN WEINSTEIN and included in any judgment and commitment order entered in this case against him.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED:

1. A judgment is entered against defendant BRIAN WEINSTEIN in the amount of \$757,318.88. It is further ordered,

2. That, pursuant to the provisions of Title 18, United States Code, Section 982(a)(7) and Fed. R. Crim. P. 32.2, all right, title, and interest defendant BRIAN WEINSTEIN may have in funds in the amount of \$757,318.88 is hereby forfeit to the United States of America for disposition according to law. It is further ordered,


3. That, by an act or omission on the part of defendant BRIAN WEINSTEIN, funds in the amount of \$757,318.88 cannot be located to satisfy the forfeiture judgment, pursuant to the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), the United States has the authority to forfeit substitute assets up to the amount of \$757,318.88 to satisfy the personal money judgment entered by this Court. It is further ordered,

4. That, pursuant to Title 21, United States Code, Section 853, as incorporated Title 18, United States Code, Section 982(b)(1), and Subdivision(b)(3) of Rule 32.2 of the Federal Rules of Criminal Procedure, upon entry of this preliminary order of forfeiture, the Court hereby authorizes the Attorney General or his designated representatives to conduct discovery to identify or locate property subject to forfeiture, including substitute assets, and to seize property ordered forfeited upon such terms and conditions as set forth by the Court. It is further ordered,

5. That, should assets become available to satisfy the personal money judgment in the future, the United States shall at that time file a motion for substitution of assets before this Court requesting permission to seize such assets and publish notice of the United States' intent to forfeit the property in satisfaction of the personal money judgment according to law. It is further ordered,

6. That, the terms and conditions of this preliminary order of forfeiture are part of the sentence imposed against defendant BRIAN WEINSTEIN and shall be made part of any judgment and commitment order entered in this case against him. It is further ordered,

7. That, this court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.

  
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MANISH S. SHAH  
United States District Court

DATED: October 12, 2023